THE INTIMATE DECEPTION ACCOUNTABILITY ACT

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SECTION 1. SHORT TITLE AND FINDINGS

(a) SHORT TITLE

This Act may be cited as the "Intimate Deception Accountability Act" or "IDAA."

(b) CONGRESSIONAL FINDINGS

Congress finds that:

(1) The Constitution grants Congress authority under the Commerce Clause to regulate activities that substantially affect interstate commerce, including fraudulent conduct that crosses state lines or affects interstate markets for housing, employment, and medical services.

(2) Intimate deception; the knowing misrepresentation of material facts to obtain sexual relations, cohabitation, or financial support, causes substantial harm to victims and imposes significant costs on interstate commerce through medical expenses, housing disruption, lost productivity, and psychological treatment.

(3) Current state laws provide inadequate and inconsistent protection against intimate deception, creating a patchwork system that allows predators to exploit jurisdictional gaps and leaves victims without meaningful recourse.

(4) The proliferation of online dating platforms and social media has created new opportunities for interstate intimate deception, making federal coordination essential for effective enforcement.

(5) Victims of intimate deception suffer measurable economic harm including medical costs, lost wages, housing expenses, legal fees, counseling costs, and opportunity losses that frequently cross state lines and affect interstate commerce.

(6) The lack of legal deterrence for intimate deception creates moral hazard that encourages dishonest behavior while punishing trust and good faith in intimate relationships.

(7) A uniform federal framework providing civil remedies and limited criminal penalties for the most egregious cases will protect victims, deter predatory behavior, and strengthen the integrity of intimate relationships without infringing upon constitutional rights.

SECTION 2. DEFINITIONS

For purposes of this Act:

(a) INTIMATE DECEPTION

The term "intimate deception" means the knowing and intentional misrepresentation of a material fact with the intent to induce another person to engage in sexual relations, cohabitation, or provide substantial financial support, where such misrepresentation causes actual harm to the deceived person.

(b) MATERIAL FACT

The term "material fact" means information that a reasonable person would consider important in deciding whether to engage in sexual relations, cohabitation, or financial support arrangements, including but not limited to:

(1) Current marital status or legally recognized domestic partnership; (2) The existence and infectious status of diagnosed sexually transmitted infections as defined by the Centers for Disease Control and Prevention; (3) Identity, including the use of false names or fraudulent identity documents; (4) The existence of active restraining orders, protective orders, or criminal convictions for violent crimes; and (5) Current cohabitation with another person in a romantic or sexual relationship.

(c) SUBSTANTIAL FINANCIAL SUPPORT

The term "substantial financial support" means financial assistance, housing, or other economic benefits totaling more than $1,000 in aggregate value or continuing for more than thirty days.

(d) ACTUAL HARM

The term "actual harm" means measurable damages including:

(1) Medical expenses and ongoing healthcare costs; (2) Lost wages or employment opportunities; (3) Housing costs, relocation expenses, or lease penalties; (4) Counseling or psychological treatment expenses; (5) Legal fees and court costs; and (6) Other direct economic losses proximately caused by the intimate deception.

(e) SERIOUS SEXUALLY TRANSMITTED INFECTION

The term "serious sexually transmitted infection" means any sexually transmitted infection designated by the Centers for Disease Control and Prevention as requiring disclosure, including but not limited to HIV, syphilis, gonorrhea, chlamydia, herpes simplex virus, hepatitis B, and human papillomavirus, when such infection is diagnosed by a licensed healthcare provider.

SECTION 3. CIVIL CAUSE OF ACTION

(a) RIGHT OF ACTION

Any person who suffers actual harm as a result of intimate deception may bring a civil action in United States District Court against the person who committed the intimate deception.

(b) ELEMENTS OF CLAIM

To prevail in an action under this section, a plaintiff must prove by clear and convincing evidence that:

(1) The defendant knowingly and intentionally misrepresented a material fact; (2) The defendant intended the plaintiff to rely on the misrepresentation to engage in sexual relations, cohabitation, or provide substantial financial support; (3) The plaintiff's reliance on the misrepresentation was reasonable under the circumstances; (4) The misrepresentation was a proximate cause of the plaintiff's actual harm; and (5) The plaintiff suffered actual harm as defined in Section 2(d).

(c) BURDEN OF PROOF

The plaintiff bears the burden of proving each element of the claim by clear and convincing evidence. Silence or failure to volunteer information shall not constitute misrepresentation unless the defendant had an affirmative duty to disclose under this Act or applicable state law.

(d) DAMAGES AND REMEDIES

(1) COMPENSATORY DAMAGES

A plaintiff who prevails under this section may recover: (A) All actual harm as defined in Section 2(d); (B) Pre- and post-judgment interest at the rate established by federal law; (C) Reasonable attorney's fees and costs of litigation.

(2) PUNITIVE DAMAGES

In cases involving willful, wanton, or repeated intimate deception, the court may award punitive damages not to exceed three times the amount of compensatory damages or $50,000, whichever is greater.

(3) INJUNCTIVE RELIEF

The court may grant appropriate injunctive relief, including orders prohibiting future contact between the parties or requiring disclosure of the defendant's true identity and circumstances to current or prospective intimate partners.

(e) AFFIRMATIVE DEFENSES

It shall be an affirmative defense to liability under this section that:

(1) The defendant made complete and truthful disclosure of the material fact before engaging in the conduct that forms the basis of the claim; (2) The plaintiff had actual knowledge of the true facts despite the defendant's misrepresentation; (3) The misrepresentation was not material to the plaintiff's decision to engage in the relevant conduct; or (4) The plaintiff's reliance on the misrepresentation was unreasonable under the circumstances.

SECTION 4. SEXUALLY TRANSMITTED INFECTION DISCLOSURE REQUIREMENTS

(a) DUTY TO DISCLOSE

Any person who has been diagnosed with a serious sexually transmitted infection shall, prior to engaging in sexual activity with another person, either:

(1) Disclose the diagnosis to the other person and obtain informed consent to proceed; or (2) Abstain from sexual activity until a licensed healthcare provider certifies that the person is not infectious or that appropriate prophylactic measures have been taken.

(b) SAFE HARBOR PROVISIONS

No liability shall attach under this Act if:

(1) The defendant provided written or recorded disclosure of their diagnosis and obtained the plaintiff's written or recorded informed consent; (2) A licensed healthcare provider certified in writing that the defendant was not infectious at the time of sexual activity; or (3) The defendant reasonably relied on medical advice from a licensed healthcare provider regarding disclosure obligations.

(c) ENHANCED DAMAGES

In cases involving knowing concealment of serious sexually transmitted infections, the court may award enhanced damages up to five times compensatory damages where the defendant:

(1) Had actual knowledge of their infectious status; (2) Intentionally concealed this information from the plaintiff; and (3) Engaged in conduct creating substantial risk of transmission.

SECTION 5. MARITAL STATUS DISCLOSURE

(a) PROHIBITION ON FALSE REPRESENTATIONS

No person shall knowingly and intentionally misrepresent their marital status or the existence of a legally recognized domestic partnership for the purpose of inducing another person to engage in sexual relations, cohabitation, or provide substantial financial support.

(b) SCOPE OF LIABILITY

Liability under this section shall attach only to:

(1) Affirmative false statements regarding marital status; (2) The use of fraudulent documents to conceal marital status; or (3) The creation of false personas or identities to avoid disclosure of marital status.

(c) EXCLUSIONS

This section shall not apply to:

(1) Mere silence regarding marital status absent an affirmative duty to disclose; (2) Statements regarding future intentions to marry or divorce; (3) Opinions about the quality or status of existing marriages; or (4) Legally separated persons who accurately represent their separation status.

SECTION 6. PROCEDURAL SAFEGUARDS

(a) HEIGHTENED PLEADING STANDARDS

Any complaint filed under this Act must:

(1) State with particularity the facts constituting the alleged intimate deception; (2) Identify specific false representations and their materiality; (3) Describe the plaintiff's reasonable reliance and resulting harm; and (4) Attach supporting documentation where available.

(b) EARLY EVIDENTIARY HEARING

Within 60 days of service of process, the court shall conduct an evidentiary hearing to determine whether the plaintiff has presented clear and convincing evidence sufficient to proceed to trial. The court shall dismiss claims that fail to meet this standard.

(c) PROTECTIVE ORDERS

The court shall enter appropriate protective orders to:

(1) Seal medical records and other sensitive personal information; (2) Limit discovery to relevant and material evidence; (3) Protect the privacy of both parties and any minor children; and (4) Prevent harassment or intimidation of witnesses.

(d) FEE SHIFTING FOR FRIVOLOUS CLAIMS

If the court determines that a claim was filed without reasonable factual basis or for purposes of harassment, the court shall award the defendant reasonable attorney's fees and costs.

SECTION 7. ANTI-EXTORTION PROVISIONS

(a) PROHIBITED CONDUCT

No person shall demand money, property, or other consideration in exchange for agreeing not to file a claim under this Act.

(b) CRIMINAL PENALTY

Any person who violates subsection (a) shall be fined not more than $50,000 or imprisoned not more than two years, or both.

(c) CIVIL PENALTY

Any person who violates subsection (a) shall be liable to the threatened party for compensatory damages, punitive damages up to $25,000, and reasonable attorney's fees.

SECTION 8. LIMITED CRIMINAL PROVISIONS

(a) CRIMINAL INTIMATE DECEPTION

It shall be a federal crime for any person to:

(1) Knowingly transmit a serious sexually transmitted infection while deliberately concealing diagnosis and infectious status; or (2) Use fraudulent identity documents or forge marital status documentation to facilitate intimate deception as defined in this Act.

(b) ELEMENTS OF CRIMINAL LIABILITY

To establish criminal liability under this section, the government must prove beyond a reasonable doubt that the defendant:

(1) Acted willfully and with specific intent to deceive; (2) Made material misrepresentations as defined in this Act; (3) Caused or created substantial risk of physical harm or economic loss exceeding $5,000; and (4) Engaged in conduct affecting interstate commerce.

(c) PENALTIES

Any person convicted under this section shall be:

(1) Fined not more than $100,000; (2) Imprisoned for not more than five years; or (3) Both fined and imprisoned.

(d) ENHANCED PENALTIES FOR REPEAT OFFENDERS

Any person with a prior conviction under this section who commits a subsequent violation shall be subject to enhanced penalties of:

(1) A fine not more than $250,000; (2) Imprisonment for not more than ten years; or (3) Both fined and imprisoned.

SECTION 9. STATUTE OF LIMITATIONS

(a) CIVIL ACTIONS

Civil actions under this Act must be commenced within two years of the date the plaintiff discovered or reasonably should have discovered the intimate deception, but in no event more than five years after the deceptive conduct occurred.

(b) CRIMINAL PROSECUTIONS

Criminal prosecutions under this Act must be commenced within five years of the commission of the offense.

(c) TOLLING PROVISIONS

The statute of limitations shall be tolled during any period when:

(1) The defendant conceals their identity or whereabouts with intent to avoid prosecution or civil liability; (2) The plaintiff is a minor; or (3) The plaintiff is mentally incapacitated and unable to commence legal proceedings.

SECTION 10. RELATIONSHIP TO STATE LAW

(a) FEDERAL MINIMUM STANDARDS

This Act establishes minimum federal standards for addressing intimate deception. States may provide additional protections or remedies that exceed the requirements of this Act.

(b) PREEMPTION

This Act shall preempt state laws only to the extent such laws provide lesser protection to victims of intimate deception than the standards established herein.

(c) CONCURRENT JURISDICTION

State courts shall have concurrent jurisdiction with federal courts to hear claims arising under this Act, provided such courts apply the standards and procedures established by this Act.

SECTION 11. PRIVACY PROTECTIONS

(a) CONFIDENTIALITY OF PROCEEDINGS

Unless otherwise ordered by the court for good cause shown, all proceedings under this Act shall be conducted under seal, and all documents filed with the court shall be sealed.

(b) MEDICAL RECORD PROTECTIONS

Medical records and related health information disclosed in proceedings under this Act shall be subject to the privacy protections of the Health Insurance Portability and Accountability Act and may not be disclosed except as necessary for adjudication of the claim.

(c) GAG ORDERS PROHIBITED

No court may issue any order prohibiting parties from discussing the facts underlying claims brought under this Act, except to protect the identity of minor children or prevent specific, articulable threats to safety.

SECTION 12. FEDERAL AGENCY COORDINATION

(a) CENTERS FOR DISEASE CONTROL

The Centers for Disease Control and Prevention shall:

(1) Maintain and update the list of serious sexually transmitted infections requiring disclosure under this Act; (2) Develop educational materials regarding disclosure

obligations; and (3) Provide guidance to healthcare providers regarding certification of non-infectious status.

(b) DEPARTMENT OF JUSTICE

The Department of Justice shall:

(1) Prosecute criminal violations of this Act; (2) Provide training to federal prosecutors regarding intimate deception cases; (3) Maintain statistics on prosecutions and convictions under this Act; and (4) Report annually to Congress on the implementation and effectiveness of this Act.

(c) FEDERAL TRADE COMMISSION

The Federal Trade Commission shall investigate and take appropriate enforcement action against online dating platforms and social media services that facilitate intimate deception through inadequate identity verification or failure to remove known fraudulent accounts.

SECTION 13. CONSTITUTIONAL PROTECTIONS

(a) FIRST AMENDMENT SAFEGUARDS

Nothing in this Act shall be construed to:

(1) Regulate protected speech or expression; (2) Create liability for opinions, predictions, or statements of future intent; (3) Restrict religious or moral teachings regarding intimate relationships; or (4) Prohibit advocacy regarding relationship choices or practices.

(b) DUE PROCESS PROTECTIONS

All proceedings under this Act shall provide defendants with:

(1) Adequate notice of charges or claims; (2) The right to legal representation; (3) The right to confront witnesses and evidence; (4) The presumption of innocence in criminal proceedings; and (5) Protection against double jeopardy and self-incrimination.

(c) EQUAL PROTECTION

This Act shall be applied equally without regard to:

(1) The sex, gender identity, or sexual orientation of the parties; (2) The nature of the intimate relationship involved; (3) Religious beliefs or practices of the parties; or (4) Marital or relationship status of the parties.

SECTION 14. SEVERABILITY

If any provision of this Act, or the application of such provision to any person or circumstance, is held invalid, the remainder of the Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SECTION 15. EFFECTIVE DATE AND TRANSITION

(a) EFFECTIVE DATE

This Act shall take effect 180 days after the date of enactment.

(b) RETROACTIVITY

This Act shall not apply to conduct occurring before its effective date, except that criminal prosecutions may be brought for ongoing schemes or conspiracies that began before the effective date and continued thereafter.

(c) IMPLEMENTATION PERIOD

Federal agencies shall have 120 days from enactment to promulgate necessary regulations and guidance for implementation of this Act.

SECTION 16. AUTHORIZATION OF APPROPRIATIONS

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, including:

(1) Funds for additional federal prosecutors and investigators; (2) Grants to state and local law enforcement for training and enforcement; (3) Victim services and support programs; (4) Public education and awareness campaigns; and (5) Research and data collection regarding intimate deception and its prevention.

SECTION 17. CONGRESSIONAL OVERSIGHT

(a) REPORTING REQUIREMENTS

Not later than two years after the effective date of this Act, and biennially thereafter, the Attorney General shall submit to Congress a comprehensive report on:

(1) The number and types of cases brought under this Act; (2) The outcomes of such cases and penalties imposed; (3) The effectiveness of the Act in deterring intimate deception; (4) Any recommended modifications to improve the Act's effectiveness; and (5) The impact on interstate commerce and public health.

(b) PERIODIC REVIEW

Congress shall conduct a comprehensive review of this Act five years after its effective date to assess its impact, effectiveness, and any need for amendments.

STATEMENT OF PURPOSE

The Intimate Deception Accountability Act addresses a critical gap in American law by providing federal remedies for victims of deliberate intimate fraud while respecting constitutional principles and individual privacy rights. This legislation recognizes that when someone knowingly lies about fundamental facts like marital status, infectious diseases, or identity to obtain sexual relations, cohabitation, or financial support, they have committed fraud deserving of legal consequences.

The Act balances competing interests through carefully crafted provisions that require high standards of proof, provide robust procedural safeguards, and limit liability to the most egregious cases of deliberate deception. By creating both civil remedies and limited criminal penalties, the Act deters harmful conduct while protecting legitimate privacy interests and constitutional rights.

This federal framework ensures uniform protection for victims regardless of state boundaries, while allowing states to provide additional protections if they choose. The Act's comprehensive approach combining victim remedies, procedural safeguards, privacy protections, and federal oversight, creates a balanced system that upholds justice while respecting the fundamental rights of all parties involved.

Through this legislation, Congress affirms that trust, honesty, and informed consent are fundamental to healthy intimate relationships and that those who deliberately exploit the vulnerability of others through calculated deception must face appropriate consequences for their harmful actions.